

[Charter Amendment - Population-Based Adjustment to General Fund Appropriation to Transportation Fund]

**Describing and setting forth a proposal to the voters to amend the Charter of the City and County of San Francisco to adjust the required annual appropriation from the General Fund to the Transportation Fund annually to reflect increases in the population of San Francisco, subject to discontinuation by the Mayor if the voters enact a new general tax on vehicles registered to a San Francisco address, at an election to be held on November 4, 2014; and making environmental findings.**

Section 1. The Planning Department has determined that the actions contemplated in this proposed Charter Amendment comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 140556 and is incorporated herein by reference.

Section 2. The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 4, 2014, a proposal to amend the Charter of the City and County by revising Section 8A.105 to read as follows:

NOTE: **Unchanged Charter text and uncodified text** are in plain font. **Additions** are *single-underline italics Times New Roman font*. **Deletions** are ~~*strike-through italics Times New Roman font*~~. **Asterisks** (\* \* \* \*) indicate the omission of unchanged Charter subsections.

**SEC. 8A.105. MUNICIPAL TRANSPORTATION FUND.**

(a) There is hereby established a fund to provide a predictable, stable, and adequate level of funding for the Agency, which shall be called the Municipal Transportation Fund. The fund shall be maintained separate and apart from all other City and County funds. Monies therein shall be appropriated, expended, or used by the Agency solely and exclusively for the operation

1 including, without limitation, capital improvements, management, supervision, maintenance,  
2 extension, and day-to-day operation of the Agency, including any division subsequently created  
3 or incorporated into the Agency and performing transportation-related functions. Monies in the  
4 Fund may not be used for any other purposes than those identified in this Section.

5 (b) Beginning with the fiscal year 2000-2001 and in each fiscal year thereafter, there is  
6 hereby set aside to the Municipal Transportation Fund the following:

7 1. An amount (the "Base Amount") which shall be no less than the amount of all  
8 appropriations from the General Fund, including all supplemental appropriations, for the fiscal  
9 year 1998-1999 or the fiscal year 1999-2000, whichever is higher (the "Base Year"), adjusted as  
10 provided in subsection (c), below, for (1) the Municipal Railway; and (2) all other City and  
11 County commissions, departments and agencies providing services to the Municipal Railway,  
12 including the Department of Human Resources and the Purchasing Department, for the provision  
13 of those services. The Base Amount for the Department of Parking and Traffic and the Parking  
14 Authority shall be established in the same fashion but using fiscal years 2000-2001 and 2001-  
15 2002 for the services being incorporated into the Agency.

16 2. Subject to the limitations and exclusions in Sections 4.113, the revenues of the  
17 Municipal Railway, and, upon their incorporation into the Agency, the revenues of the  
18 Department of Parking and Traffic, and the Parking Authority; and

19 3. All other funds received by the City and County from any source, including state and  
20 federal sources, for the support of the Agency.

21 (c) The Base Amount shall initially be determined by the Controller. Adjustments to the  
22 Base Amount shall be made as follows:

23 1. The Base Amount shall be adjusted for each year after fiscal year 2000-2001 by the  
24 Controller based on calculations consistent from year to year, by the percentage increase or  
25 decrease in aggregate City and County discretionary revenues. In determining aggregate City and

1 County discretionary revenues, the Controller shall only include revenues received by the City  
2 which are unrestricted and may be used at the option of the Mayor and the Board of Supervisors  
3 for any lawful City purpose. Errors in the Controller's estimate of discretionary revenues for a  
4 fiscal year shall be corrected by adjustment in the next year's estimate.

5 2. An adjustment shall also be made for any increases in General Fund appropriations to  
6 the Agency in subsequent years to provide continuing services not provided in the Base Year, but  
7 excluding additional appropriations for one-time expenditures such as capital expenditures or  
8 litigation judgments and settlements.

9 3. Commencing with the fiscal year beginning on July 1, 2015, the Controller shall also  
10 adjust the Base Amount annually by the percentage increase in the San Francisco population  
11 based on data from the source(s) the Controller, in his or her sole discretion, finds most reliable  
12 for the most recent available calendar year. The Controller's population growth adjustment  
13 shall be based on the greater of the increase in daytime or night-time population. For any year  
14 in which the Controller determines that neither the daytime nor night-time population has  
15 increased, the Controller shall make no adjustment under this subparagraph 3 to the Base  
16 Amount. For purposes of the initial adjustment for the year commencing July 1, 2015, the  
17 Controller shall adjust the Base Amount based on the increase in City daytime or night-time  
18 population for the most recent ten-year period for which data are available instead of the most  
19 recent available calendar year. The Agency shall use the amount of any increase in the Base  
20 Amount resulting from the adjustment required by this subparagraph 3 exclusively as follows:  
21 75 per cent shall be used to make transit system improvements to the Municipal Railway to  
22 improve the system's reliability, frequency of service, capacity, and state of good repair, and 25  
23 per cent shall be used for transportation capital expenditures to improve street safety for all  
24 users.  
25

1 (d) The Treasurer shall set aside and maintain the amounts required to be set aside by  
2 this Section, together with any interest earned thereon, in the Municipal Transportation Fund,  
3 and any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward,  
4 together with interest thereon, to the next fiscal year for the purposes specified in this Article.

5 (e) It is the policy of the City and County of San Francisco to use parking-related  
6 revenues to support public transit. To that end, the following parking-related revenues deposited  
7 in the Transportation Fund shall be used to support the capital and operating expenses arising  
8 from the Agency's transit functions:

9 1. Revenues from parking meters, except those amounts collected from parking meters  
10 operated by the Recreation and Park Department and the Port Commission and except to the  
11 extent that they are required by law to be dedicated to other traffic regulation and control  
12 functions;

13 2. Revenues from off-street parking facilities under the jurisdiction of the Agency  
14 (excluding facilities owned by the Parking Authority), including facilities leased to private  
15 owners and non-profit corporations, except those amounts generated from any parking on or  
16 below any land or facilities under the jurisdiction of the Recreation and Park Department and  
17 except those amounts obligated by contract executed before 1993 to pay debt service;

18 3. Revenues from fines, forfeited bail, or penalties for parking violations, except those  
19 amounts to be credited to the courthouse construction fund as provided in Administrative Code  
20 Section 10.100-353.10.117-35.

21 (f) In addition, there is hereby set aside from the general revenues of the City and  
22 County and deposited in the Transportation Fund to support the Agency's transit services an  
23 amount equivalent to 80 percent of the revenues received from the City's tax on occupation of  
24 parking spaces. Additional amounts appropriated as a result of this subsection after July 1, 2008  
25 which were not previously available to support transit service shall be used exclusively to:

1           1. support implementation of the transit service improvements recommended by the  
2 Transit Effectiveness Project or any subsequent system-wide route and service evaluation, with  
3 first priority given to the hiring of full time on-going staff and expansion of training for Agency  
4 employees, supervisors and managers; and

5           2. support the creation of a Labor-Management Implementation and Service  
6 Improvement Committee consisting of the Director of Transportation and a designated  
7 representative of each union representing Agency employees. This committee shall meet  
8 quarterly to discuss implementation of this Section and ongoing system challenges.

9  
10           Section 3. For any fiscal year commencing after the San Francisco voters approve  
11 imposition of a Voter Approved Local Assessment (as authorized by Part 5.7 of Division 2 of the  
12 California Revenue and Taxation Code) on vehicles registered to a San Francisco address as a  
13 new general tax generating revenues to be deposited in the City's General Fund and used for any  
14 lawful City purpose, as appropriated by the Mayor and the Board of Supervisors, the Mayor,  
15 after consulting with the Director of Transportation, the Mayor's Budget Director and the  
16 Controller, and after taking into account the City's projected revenues and expenditures in the  
17 City's financial plans, may by January 1 discontinue permanently further population-based  
18 adjustments to the Base Amount as prescribed in Subsection 8A.105(c)(3) by issuing a written  
19 notice to the Director of Transportation, the Board of Supervisors and the Controller. The  
20 Mayor's issuance of this notice shall be irrevocable and upon issuance of the notice the  
21 Controller's duties under Subsection 8A.105(c)(3) shall cease. Thereafter, the Controller shall  
22 return the Base Amount to the amount it would have been if Subsection 8A.105(c)(3) had not  
23 been enacted and continue to adjust the Base Amount only according to the terms of Subsections  
24 8A.105(c)(1) and 8A.105(c)(2) and any other applicable law. The Mayor's issuance of this  
25

1 notice shall have the effect of repealing Subsection 8A.105(c)(3), making it thereafter  
2 inoperative with no further force and effect. Following the Mayor's issuance of the notice, the  
3 City Attorney shall take all actions necessary to remove Subsection 8A.105(c)(3) from the City  
4 Charter.

5 APPROVED AS TO FORM:  
6 DENNIS J. HERRERA, City Attorney

7 By: \_\_\_\_\_  
8 Julia M. C. Friedlander  
9 Deputy City Attorney

10 n:\legana\as2014\1400023\00937762.doc

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25